

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.10916 OF 2016

Dattatraya Shyamrao Kamble	)	...Petitioner.
<i>Versus</i>		
1. The President,	)	
Raje Sambhaji Shikshan and	)	
Krida Prasarak Mandal, Nizampur	)	
Tal. Sangola, District: Solapur	)	
2. The Head Master,	)	
Nizampur High School, Nizampur	)	
Tal. Sangola, District: Solapur	)	
3. The Education Officer (Secondary),	)	
Zilla Parishad, Solapur having office	)	
at Zilla Parishad Compound, Solapur	)	
4. State of Maharashtra	)	
Through Secretary, School, Education and	)	
Sports Department, Mantralaya	)	
Mumbai – 400032	)	
5. Chandrakant Sida Shinde	)	
Age: Adult, Occ. Teacher,	)	
R/o. Vasud, Tal. Sangola, District: Solapur	)	
6. Meenakshi Sahebrao Patil	)	
Age: Adult, Occ. Teacher,	)	
R/o. Dattanagar, Tal. Sangola	)	
District: Solapur	)	...Respondents.

**WITH
WRIT PETITION NO.10922 OF 2016**

Madhukar Narayan Karande		...Petitioner.
<i>Versus</i>		
1. The President,	)	
Raje Sambhaji Shikshan and	)	
Krida Prasarak Mandal, Nizampur	)	

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| | Tal. Sangola, District: Solapur |) | |
| 2. | The Head Master, |) | |
| | Nizampur High School, Nizampur |) | |
| | Tal. Sangola, District: Solapur |) | |
| 3. | The Education Officer (Secondary), |) | |
| | Zilla Parishad, Solapur having office |) | |
| | at Zilla Parishad Compound, Solapur |) | |
| 4. | State of Maharashtra |) | |
| | Through Secretary, School, Education and |) | |
| | Sports Department, Mantralaya |) | |
| | Mumbai – 400032 |) | |
| 5. | Chandrakant Sida Shinde |) | |
| | Age: Adult, Occ. Teacher, |) | |
| | R/o. Vasud, Tal. Sangola, District: Solapur |) | |
| 6. | Meenakshi Sahebrao Patil |) | |
| | Age: Adult, Occ. Teacher, |) | |
| | R/o. Dattanagar, Tal. Sangola |) | |
| | District: Solapur |) | ...Respondents. |

Mr. Prasad B. Kulkarni, Advocate for the Petitioners in both Petitions.
 Mr. N. C. Walimbe, Additional Government Pleader a/w. Mr. S. B. Kalel for
 the Respondent Nos. 3 & 4 in WP/10916/2016.
 Mrs. R. A. Salunkhe, Assistant Government Pleader for the Respondent
 Nos. 3 and 4 in WP/10922/2016
 Mr. Anant Vadgaonkar, Advocate for the Respondent Nos. 1 and 2

**CORAM : A. S. CHANDURKAR &
M. M. SATHAYE, JJ.**

DATED : 09th APRIL 2025

ORAL JUDGMENT (Per A. S. CHANDURKAR, J):

1. Rule. Rule made returnable forthwith. Heard finally by the consent of

learned Counsel for the parties.

2. In these Writ Petitions, a challenge is raised to the communication dated 14/09/2016 issued by the Education Officer (Secondary), Zilla Parishad, Solapur by which the services of various Assistant Teachers were declared as surplus. The present Petitioners are shown at serial nos. 92 and 82 of the said list respectively. While issuing the notice in the Writ Petitions, this Court on 22/09/2016 granted interim relief staying the effect and operation of the communication dated 14/09/2016 in so far as it is related to the Petitioners.

3. Today the learned Additional Government Pleader on instructions from the concerned Education Officer (Secondary), submits that the Petitioners are still working as Assistant Teachers at the Respondent No. 1-Institution on sanctioned posts. He therefore submits that as of today the Petitioners cannot be treated to be surplus at the Respondent No. 1-School. He further submits that if the services of the Petitioners are continued at the same school, they would continue to receive their regular salary. The communication dated 07/04/2025 issued by the Education Officer (Secondary) Zilla Parishad, Solapur to that effect is taken on record and marked "A" for identification.

4. In view of this stand of the Education Officer which is accepted, it is declared that the impugned communication dated 14/09/2016 by which the Petitioners were treated as surplus, would not be applicable to the present Petitioners. Needless to state that the Petitioners would continue to serve as Assistant Teachers at the Respondent No. 1-Institution and would also continue to receive their regular salary. The Education Officer (Secondary) to accordingly issue consequential orders of repatriation of the Petitioners.

5. Rule is disposed of in the aforesaid terms with no order as to costs.
6. All concerned to act on duly authenticated or digitally signed copy of this judgment.

(M. M. SATHAYE, J.)

(A. S. CHANDURKAR, J)